

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----x
In re:

PETLAND DISCOUNTS, INC.,

Case No.: 19-72292-reg
Chapter 7

Debtor.

-----x
**ORDER AUTHORIZING TRUSTEE TO SELL BY PUBLIC AUCTION ALL
INVENTORY AND CERTAIN FURNITURE, FIXTURES AND EQUIPMENT
AT THE WAREHOUSE OF PETLAND DISCOUNTS, INC.,
ON AN AS IS, WHERE IS BASIS AND FREE AND CLEAR
OF ANY AND ALL LIENS AND ENCUMBRANCES**

UPON the application (the “Application”) of Allan B. Mendelsohn, the interim trustee (the “Trustee”), by and through his counsel, Rosen & Kantrow, PLLC, seeking the entry of an Order authorizing the Trustee to conduct an auction sale (the “Auction”) of all inventory (the “Inventory”) and certain Furniture, Fixtures and Equipment (the “FF&E”) which Inventory and FF&E constitutes the property of Petland Discounts, Inc., the debtor (the “Debtor”) which is located at the Debtor’s warehouse located at 355 Crooked Hill Road, Brentwood, New York (the “Warehouse”) on an “As Is Where Is” basis free and clear of any and all liens, claims and encumbrances with said liens, claims and encumbrances, if any, to attach to the proceeds of the sale (the “Proceeds”) to the same extent, validity and priority as they may have existed prior to March 28, 2019 (the “Petition Date”); and the matter having come on for an expedited hearing before the Court on April 29, 2019; and the Trustee having appeared by Fred S. Kantrow, one of his attorneys; and the United States Trustee having appeared by Stan Y. Yang, Esq.; and there being no opposition to the relief sought in the Application, or, said opposition having been withdrawn or otherwise overruled; and after due deliberation, the Court having determined the relief sought is appropriate and should be granted; it is hereby

ORDERED that the Trustee be and hereby is authorized to conduct an Auction on May 16, 2019 at 11:00 a.m. prevailing Eastern Time which Auction shall be held at the Warehouse located at 355 Crooked Hill Road, Brentwood, New York; and it is further

ORDERED that any party which would like to inspect the Inventory and/or the FF&E may do so prior to the Auction on May 16, 2019 between the hours of 8:00 a.m. and 11:00 a.m. prevailing Eastern Time at the Warehouse; and it is further

ORDERED that each successful bidder must provide the Trustee with twenty-five (25%) percent of the successful bid amount (the “Initial Deposit”) by cash or cashier’s check made payable to Maltz Auctions, Inc. and/or Allan B. Mendelsohn as Trustee, which Initial Deposit shall be paid by the successful bidder when declared the successful bidder; and it is further

ORDERED that the successful bidder must pay to the Trustee the unpaid balance by not later than May 17, 2019 at 4:00 p.m. prevailing Eastern Time, by delivering to the Trustee or Maltz Auctions, Inc., the balance due in certified funds (the “Payment Deadline”), with time being of the essence as to the successful bidder; and it is further

ORDERED that the successful bidder shall be solely responsible for removing and transporting its purchase from the Warehouse by not later than May 23, 2019; and it is further

ORDERED that the removal may take place during the following hours only and only after the successful bidder has remitted the balance of the payment due and having contacted Maltz Auctions Inc. in advance to make the necessary arrangements regarding removal: (1) Friday, May 17, 2019 between the hours of 8:00 a.m. and 4:00 p.m.; (2) Monday, May 20, 2019, between the hours of 8:00 a.m. and 4:00 p.m.; (3) Wednesday, May 22, 2019, between the hours of 8:00 a.m. and 4:00 p.m.; and (4) Thursday, May 23, 2019, between the hours of 8:00 a.m. and 4:00 p.m.; and it is further

ORDERED that the successful bidder is solely responsible for the costs associated with removal; and it is further

ORDERED in the event that the successful bidder fails to pay the balance due by May 17, 2019 at 4:00 p.m. which constitutes the Payment Deadline, the successful bidder's Initial Deposit shall be retained by the Trustee as liquidated damages (the "Liquidated Damages") and the Trustee shall be free to re-sell those items purchased; and it is further

ORDERED that any and all successful bidders shall be responsible to pay a buyer's premium in the amount of ten (10) percent (the "Buyer's Premium") which Buyer's Premium shall be in addition to the successful amount bid; and it is further

ORDERED that the Trustee shall serve a copy of this Order upon all parties entitled to notice in connection with the chapter 7 bankruptcy case and those parties who have expressed an interest in purchasing the Inventory and/or the FF&E; and it is further

ORDERED that Maltz Auctions, Inc., shall cause the notice of this Auction to be placed on its website; and it is further

ORDERED that the Court shall retain jurisdiction over this matter to determine any dispute that may arise hereunder.



Dated: Central Islip, New York
April 30, 2019

A handwritten signature in black ink, appearing to read "Robert E. Grossman".

Robert E. Grossman
United States Bankruptcy Judge